REMARKS/ARGUMENTS

In the present Office action, claims 1-38 were examined. Claims 7-9, 17-19, 22, 23, 25-32 and 34 were withdrawn from consideration. Claims 1-6, 10-16, 20, 21, 24, 33 and 35-38 were rejected. Claims 1, 11, 15, 23, 33 and 35 have been amended. No new matter has been added. Claims 1-6, 10-16, 20, 21, 24, 33 and 35-38 are believed to be in condition for allowance.

Drawings

The examiner objected to Figure 1. Specifically, the examiner required that the "sealing element", the "upward closing movement", and the "reduced pressure source", be shown. In addition, the examiner required that the direction of airflow indicated in claim 11 be shown. Applicant has amended Figure 1 herein in response to the examiner's objections. No new matter has been added. Applicant respectfully points out that sealing element 56 is indicated in the drawings as filed by said numeral. The upward closing movement y has been added as requested by the examiner and as recited in the specification. Likewise, arrows indicating airflow direction as detailed in the specification have been added to Figure 1. Lastly, reduced pressure source has likewise been added to Figure 1 in accordance with the specification. No new matter has been added.

Claim Rejections under 35 U.S.C. 112

The examiner rejected claims 1-6, 10-16, 20, 21, 24, 33 and 35-38 for failing to particularly point out and distinctly claim the subject matter of the present invention.

With regards to claim 1, the examiner notes that the Applicant stops short of positive recitation that suggests changing "for" to "adapted for". The examiner further notes in

line 2 that "reservoir" and "holding" appear to be synonyms and are hence indefinite. Lastly, the examiner notes that in lines 10 and 12 "with" and "its" are unclear.

In response to the examiner's grounds for rejection, Applicant has adopted the examiner's suggestion and changed "for" to "adapted for". In addition, use of the term "reservoir" has been deleted to avoid confusion. Lastly, use of "with" and "its" have been replaced by verbiage which makes clear the operative elements of the present invention to which such terms refer.

The examiner rejected claims 11, 15 and 23 as lacking clarity. Applicant has herein made every attempt to excise any and all unclear language so as to render the claims readily understandable.

With regards to claim 33, the examiner stated that the limitations of the claim are not linked to independent claim 1. Claim 33 has been amended to make clear the link between the limitations of claim 33 and the structure of independent claim 1.

With regards to claims 35-37, the examiner notes that a method dependent from an apparatus is indefinite. In response to the examiner's grounds for rejection, the recitation of elements comprising the device in independent claim 1 have been positively recited in claim 35.

As a result of these amendments, Applicant respectfully traverses the examiner's grounds for rejection with respect to claims 1, 11, 15, 23, 33 and 35-37. All such claims are now believed to be in condition for allowance.

Claim Rejections under 35 U.S.C. 102

The examiner rejected claims 1-4, 12-15, 20, 33 and 35-37 as being anticipated by Pullen. The examiner notes that Pullen discloses a holding space, a lock space, a pneumatic conveyor line, a closure body, a sealing element, a vent opening, a discharge passage, a stroke element, and a sealing body.

Applicant respectfully differs with the examiner's characterization of Pullen. Prior to addressing the examiner's grounds for rejection, it is useful to consider the teachings of documents F and G cited by the examiner in the Notice of References Cited. Specifically, the examiner recites US Patents 4,674,922 and 4,850,751, as documents F and G, respectively. These documents indicate the state of the art which is described in the present application with reference to EP 0 166 959 B1 and EP 0 270 012 B1 in the present application. As can be seen by comparing Figure 1 of the present application and the figures of documents F and G, the latter documents do not have a vent opening which is open during the filling of the transfer chamber 24. Therefore, there is no vent opening 62 that has to be closed during the upward movement y of the closure body 64, 64a. Rather, in documents F and G, there is only a central opening 44 in the sealing element 43 (document F) or a channel 57 (document G) which is only open for a short time during the downward movement of the closure body to release pressurized air from the transfer chamber 17 (document F) and 20 (document G), respectively.

Due to the lack of a vent opening 62, 62a as in the present application, the filling time of the transfer chambers 17 and 20 in documents F and G is longer than that of the transfer chamber 24 of the present invention. This is described very clearly in the application documents as filed under the description of the related art.

Returning now to Pullen (US 3,094,249), Applicant asserts that Pullen likewise neither teaches nor recites an air vent for the release of gas entrapped in the transfer chamber 24. On the contrary, Pullen recites only devices for the injection of a gas in order to mix it with a powder to be transferred (see e.g., column 2, lines 50-63). Furthermore, the bell valve 15 of Pullen has only a single movement path and not two separated paths as is claimed in claim 1 of the present invention. As a result of these facts, it is clear that Pullen neither teaches nor recites a central feature of the present invention, namely, the vent opening 62, 62a of the present invention. As a result of this deficiency in the teachings of Pullen, Applicant respectfully traverses the examiner's grounds for rejection with respect to claim 1. Claim 1 is therefore believed to be in condition for allowance. As claims 2-4, 12-15, 20, and 33 depend upon claim 1, claim 1 now believed to be in condition for allowance, these claims are likewise believed to be in condition for allowance. In addition, claim 35 has been amended herein to recite the central limitations of claim 1. Claim 35 is therefore likewise believed to be in condition for allowance. As claims 36 and 37 depend upon claim 35, claim 35 now believed to be in condition for allowance, claims 36 and 37 are likewise believed to be in condition for allowance.

Allowable Claims

The examiner noted that claims 5-6, 10-11, 16, 21, 24 and 38 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112. As noted above, Applicant believes the examiner's grounds for rejection with respect to 35 U.S.C. 112 to be traversed. Claims 5-6, 10-11, 16, 21, 24 and 38 are therefore believed to be in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Applicant encloses herewith a check in the amount of $55.00 to cover the fee for a one (1) month extension of time request.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

BERND FEDERHEN

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on April 2, 2004

Antoinette Sullo